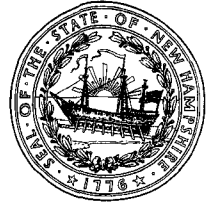


The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

February 2, 2006

Bruce Worthen
Jamma Realty Trust
P.O. Box 92
Hampstead, NH 03841

LETTER OF DEFICIENCY# WSEB 06-022
Certified Mail# 7099 3400 0003 6156 7099

Subject: Hampstead – Lube King Facility, NH Route 111, Open Floor Drain to the Environment (DES #200601061)

Dear Mr. Worthen:

On January 19, 2006, the Department of Environmental Services (DES) conducted a Best Management Practices Compliance Survey of the Lube King facility at 544 Route 111. The Survey report documented floor drains in the vehicle maintenance area discharging to the environment. Pursuant to NH Administrative Rule Env-Ws 1503.04 (c) of the *Groundwater Discharge Permit and Registration Rules*, and successor rules, it is unlawful to have a floor drain that discharges to the environment in any area(s) where regulated substances are used or stored.

DES believes the violations can be corrected and future violations prevented by taking one of the following actions **by March 2, 2006**:

1. Complete and submit to DES a pre-closure form to seal the floor drain exit with an impermeable material, such as concrete. Once the pre-closure form is approved by DES, close the drain and submit written confirmation of this action within 10 days of the date of the DES approval letter; or
2. Submit to DES for approval a schedule to reroute the discharges to the municipal sewer system (if available); or
3. Submit to DES for approval a schedule to reroute the discharges to a holding tank (DES requires holding tanks to be registered).

Enclosed please find a Floor Drain Pre-Closure Notification Form and a Holding Tank Registration Form for your use. **By March 2, 2006**, please submit the Pre-Closure Form to close the drains or a schedule to reroute this discharge to either a holding tank or municipal sewer. Please note that the closure of these floor drains does not defer responsibility to report releases, or remove liability for any existing contamination or future cleanup activities on site.


In the event compliance is not achieved within this period, DES may take further enforcement action, including issuing an order requiring the deficiencies to be corrected, initiating an administrative fine proceeding and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

All correspondence and submissions as requested should be addressed as follows:

Mitchell D. Locker
Department of Environmental Services
Water Supply Engineering Bureau
29 Hazen Drive, PO Box 95
Concord, NH 03302-0095

Please contact Mitchell Locker by e-mail at mlocker@des.state.nh.us, or by phone at (603) 271-2858 if you have any questions regarding this letter.

Sincerely,


Sarah Pillsbury, P.G., Administrator
Water Supply Engineering Bureau

for MDL/ml/h:\swp\uic1\2006mdl\enforcement\200601061LoD

encl: Floor Drain Pre-Closure Notification Form
Holding Tank Registration Form

cc w/o encl: Gretchen R. Hamel, DES Legal Unit Administrator
Brandon Kernen, WSEB
Dave McGraw, Lube King Owner
Hampstead Health Officer
File DES #200601061